

BOARD OF APPEALS CASE NO. 4966

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BEFORE THE

APPLICANTS: Michael & Michele Boone

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ZONING HEARING EXAMINER

REQUEST: Variance to locate a shed  
within the front yard setback; 2042 Park  
Beach Drive, Aberdeen

\*

OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/22/99 & 9/29/99

HEARING DATE: November 10, 1999

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Record: 9/24/99 & 10/1/99

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### ZONING HEARING EXAMINER'S DECISION

The Applicants are Michael & Michele Boone. The Applicants are requesting a variance to Section 267-26(C)(4) of the Harford County Code, to permit a shed within the required front yard setback in an R1 District.

The subject parcel is located at 2042 Park Beach Drive in the Second Election District. The parcel is identified as Parcel No. 257, in Grid 4-A, on Tax Map 63. The parcel contains .56 acres, more or less, and is zoned R1/CA/IDA.

Mr. Michael Boone appeared and testified that the subject parcel is improved by a single-family dwelling. The Applicant said that he is requesting a variance to construct a shed with dimensions of 12 feet by 16 feet between the existing dwelling and Park Beach Drive. The Applicant said that the subject parcel is unique because it is a water-front property and that the property slopes from Park Beach Drive to the water line. The Applicant said that he can comply with all other Code regulations and that he did not feel approval of the variance would have an adverse impact on adjoining properties because he has spoken to his neighbors and none of his neighbors have expressed concern about the request. The Applicant also indicated that many of the other properties in the area have sheds located between the dwelling and the public road.

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The Staff Report of the Department of Planning and Zoning recommends approval and provides:

“The subject property fronts on Park Beach Drive and has water frontage along Bush River. Many of the dwellings on the water have the fronts of the homes oriented towards the river. The Applicants are requesting approval for a 12 foot by 16 foot shed to be located behind the fence line to the right of the driveway. This appears to be the most appropriate location for the proposed shed.”

### **CONCLUSION:**

The Applicants are requesting a variance to Section 267-26(C)(4) of the Harford County Code, to permit a shed within the required front yard setback in an R1 District.

Section 267-26(C)(4) provides:

“No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in Section 267-23(C), Exceptions and modifications to minimum yard requirements.”

The uncontradicted testimony introduced by the Applicant was that the subject parcel is unique because it is a water-front property which slopes from Park Beach Drive to the water. The Applicant also testified he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because he has spoken with his neighbors regarding the requested variance and that many of the other properties in the area have sheds located within the required front yard.


It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

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Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. That the Applicants obtain all necessary permits and inspections for the shed.
2. That at the time of the application, the Applicant shall submit a detailed site plan and building plan for the shed. The plan shall indicate how the shed will be anchored and vented.

Date NOVEMBER 30, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner